

The Right Honourable John Earl of Kildare. } Pet^r.

Sir Arthur Shaen Bar^t. } Respond^t.

The Respondent's C A S E.

28th April.
1705.

YOUR Lordships Order'd that Sir Arthur Shaen should make John Earl of Kildare a Party to his Bill in the Chancery of Ireland, (whereon he had obtained a Decree against William Hancock, and Leonard Hatfeild, for the Lands in question) for trying the Earls Title, in regard his Lordship was not a Party.

13 May 1701. AND also ordered that Hancock and Hatfeild should bring the Arrears and growing Rents into Court, till the hearing of the Cause on the amended Bill.

22 May 1702. THAT Sir Arthur Shaen (not being able to get the Rents paid into Court) did Petition your Lordships to Enforce the same, and thereupon your Lordships did by the Lord Keeper declare, that you expected a Compliance with the former Order.

THAT the Bill was amended and the Earl of Kildare answered, but Sir Arthur has not been able to bring on the Cause to a Hearing, for want of a Deed dated 31 of December 1659. Executed by Wentworth Earl of Kildare, (the present Earls ~~father~~ father) which (Mr. Robert Porter the present Earls Agent) does by his Answer to Sir Arthur Shaen's Bill, (to whose Answer; the Earl do's by his Answer referr) confess he had in his Custody, but about 15 or 16 years ago, the same was sent into England; but where the same now is he knows not. This is all Sir Arthur can at present get as to the Discovery of this Deed.

THAT notwithstanding the Detaining of this Deed, and the not Compliance with your Lordships Orders (not one Penny being yet paid into Court, as by the Ushers Certificate appears) the Earl has Petition'd your Lordships (suggesting a Delay in Sir Arthur in Hearing the Cause) to Discharge the Orders for bringing the Rents into Court, and for a Direction to Receive out of Court what had been paid in.

SIR Arthur Shaen humbly hopes that your Lordships will be of Opinion, that the not hearing the Cause hitherto, (delay being only his loss) was occasioned by the Detaining the said Deed (his Title being under it) which the Earl (if he pleases by Producing the same) may expedit when he Pleases.

AND that Your Lordships will not only for the Disobeying the Order hitherto, but for the disingenious Endeavours in the Petition, to induce your Lordships into an Opinion that the same had been comply'd with) will dismiss the Earls Petition with Costs, and also make your former Order for the bringing the Rents into Court more effectual.

Ric. Turner.